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**PATENT**

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Date

Stephanie Jansen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Jerry Powell Attorney Docket No.: 500582.12  
Serial No. : 09/975,063 Group Art Unit : 1633  
Filed : October 10, 2001 Examiner : Not yet assigned  
Title : HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLY  
TRANSFECTED MAMMALIAN CELLS

## **INFORMATION DISCLOSURE STATEMENT**

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Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97 through 1.98, applicant wishes to make known to the Patent and Trademark Office the references set forth on the attached form PTO-1449. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 08/466,412, filed June 6, 1995, which is a continuation of U.S. Patent Application No. 08/132,489, filed October 6, 1993, now U.S. Patent No. 5,688,679, which is a continuation of U.S. Patent Application No. 07/453,381, filed December 18, 1989, now abandoned, which is a continuation of U.S. Patent Application No. 07/211,278, filed June 21, 1988, now abandoned, which is a continuation of U.S. Patent Application No. 06/879,423, filed June 27, 1986, now abandoned. The references listed on the attached Form PTO-1449 were submitted to and/or cited by the Patent and Trademark Office in these prior applications and, therefore, are not required to be provided in this application. If the Examiner wishes, copies will be provided upon request. Although the aforesaid references are made known to the Patent and Trademark Office in compliance with applicant's duty to disclose all information he is aware of which is believed

relevant to the examination of the above-identified application, applicant believes that his invention is patentable.

Applicant also wishes to make known to the Patent and Trademark Office that an application, Serial No. 09/238,055, describing and claiming subject matter that is similar to the subject matter of this application, was filed on January 27, 1999. This related application is a continuation of above-referenced Application No. 08/466,412, filed June 6, 1995. Applicant also wishes to make known to the Patent and Trademark Office application Serial No. 10/011,858, filed on November 5, 2001, which is a continuation of above-referenced application Serial No. 09/238,055, filed on January 27, 1999. These related applications, as well as any prior art cited therein, may be material to the examination of this application. The specification, claims, abstract and drawings of these related applications as filed are identical to those currently on file in the instant application as filed, therefore a duplicate copy is not submitted herewith.

I hereby certify that no item set forth on the attached form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge, after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

Respectfully submitted,  
DORSEY & WHITNEY LLP



Mark W. Roberts, Ph.D.  
Registration No. 46,160

MWR:sj

Enclosures:

Postcard  
Fee Transmittal Sheet (+ copy)  
Form PTO-1449

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FORM PTO-1449  
(REV.7-80)

FEB 26 2002

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
500582.12APPLICATION NO.  
09/975,063

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANT(S)  
Jerry PowellFILING DATE  
October 10, 2001GROUP ART UNIT  
1633

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## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,377,513	03/22/83	Sugimoto et al.	530	395	COPY OF PAPERS ORIGINALLY FILED
	AB	4,703,008	10/27/87	Lin	435	360	
	AC	4,751,084	06/14/88	Feder et al.	424	94.64	
	AD	4,835,260	05/30/89	Shoemaker	530	397	
	AE	5,441,868	08/15/95	Lin	435	69.4	
	AF	5,688,679	11/18/97	Powell	435	352	
	AG						
	AH						
	AI						
	AJ						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AK	WO 85/02610	06/20/85	PCT			X	
	AL	0 255 231 B1	05/20/92	EP			X	
	AM							
	AN							
	AO							

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AP	Lin et al., "Cloning and Expression of the Human Erythropoietin Gene", Proc. Nat'l. Acad. Sci., Vol. 82, No. 22, 7580-7584 (1985)
AQ	Jelkmann, "Renal Erythropoietin: Properties and Production", Rev. Physiol. Biochem. Pharmacal., Vol. 104, 140-149 (1986)
AR	Werner et al., "Purification of Proteins Produced by Biotechnological Process", Arzneim./Forsch./Drug Res., Vol. 38, No. 3, 422-428 (1988)

EXAMINER	DATE CONSIDERED
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FORM PTO-1449 (REV.7-80)	FEB 26 2002	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 500582.12	APPLICATION NO. 09/975,063
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT(S) Jerry Powell		
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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AS	Congote, "Effects of Erythropoietin on Uridine Metabolism in Cell Cultures of Fetal Calf Liver", Can. J. Biochem. Cell Biol. Vol. 62, Nos. 2 and 3, 143-149 (1984)
AT	Krystal et al., "GM Affi-Gen Blue Chromatography of Human Uridine: A Simple One-Step Procedure for Obtaining Erythropoietin Suitable for in Vitro Erythropoietin Progenitor Assays", British Journal of Hematology, Vol. 58, No. 3, 533-546 (1984)
AU	Broudy et al., "Recombinant Human Erythropoietin: Purification and Analysis of Carbohydrate Linkage", Archives of Biochemistry and Biophysics, Vol. 265, No. 2, 329-336 (1988)
AV	Quelle et al., "High-Level Expression and Purification of a Recombinant Human Erythropoietin Produced Using a Baculovirus Vector," Blood, Vol. 74, No. 2, 652-657 (1989)
AW	Yanagi et al., "Recombinant Human Erythropoietin Produced by Namalwa Cells", DNA, Vol. 8, No. 6, 419-427 (1989)
AX	Lee-Huang et al. "The Human Erythropoietin-Encoding Gene Contains a CAAT Box, TATA Boxes and Other Transcriptional Regulatory Elements in its 5' Flanking Region", Gene, Vol. 128, No. 2, 227-236 (1993)
AY	Thompson et al., "Induction of Tyrosine $\alpha$ -Ketoglutarate Transminase by Steroid Hormones in a Newly Established Tissue Culture Cell Line, Proc. Nat'l. Acad. Sci., Vol. 56, No. 1, 296-303 (1966)
AZ	Busby et al., "Expression of Active Human Factor IX in Transfected Cells", Nature, Vol. 316, No. 6025, 271-273 (1985)
BA	Nimtz et al., "Structures of Sialylated Oligosaccharide of Human Erythropoietin Expressed in Recombinant BH-21 Cells", Eur. J. Biochem. Vol. 213, No. 1, 39-56 (1993)
BB	Interference No. 102, 334, FRITSCH V. LIN, Board of Patent Appeals and Interferences, 1739-1742 (1992)
BC	McDonald et al., "Recovery of Thrombopoietin During Purification", Biochemical Medicine and Metabolic Biology, Vol. 37, 335-343 (1987)
BD	Baig, "Purification of Human $\alpha$ -Fetoprotein", Analytical Biochemistry, Vol. 101, 200-203 (1980)
BE	Hearn, "General Strategies in the Separation of Proteins by High Performance Liquid Chromatographic Methods", Journal of Chromatography, Vol. 418, 3-26 (1987)

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

FORM PTO-1449  
(REV.7-80)

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1633OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

BF	Sytkowski et al., Biological Activity and Structural Stability of N-Deglycosylated Recombinant Human Erythropoietin", Biochemical and biophysical Research Communications, Vol. 176, No. 2, 698-703 (1991)
BG	Miyake et al., "Purification of Human Erythropoietin", Journal of Biological Chemistry, Vol. 252, No. 15, 5558-5564 (1977)
BH	Nimtz et al., "Identification and Structural Characterization of a Mannose-6-Phosphate Containing Oligomannosidic N-Glycan from Human Erythropoietin Secreted by Recombinant BHK-21 Cells", FEBS Letters, Vol. 365, 203-208 (1995)
BI	Maniatis et al., "Molecular Cloning: A laboratory Manual", 1982
BJ	Berger "Methods in Enzymology", Guide to Molecular Cloning Techniques, Vol. 152, 696-697, 1987
BK	New England Biolabs Catalog, 1995 Page 14
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